Previous references. 1897-8

~~199~~.

(Police)

File No. 68

Serial Nos. 1-

Later references.

16

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-31

Major **Part-B. for** Oct 97

SUBJECT.

Surrender to the Mysore Police, without an Extradition Warrant, of one person named Pendro at Mangalore ——

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1 Dy No ~ The Asst Mgr Kadur No. 2. 9/16-9-97 Requests to issue a formal ~~Requisition~~ Extradition Warrant from the President for the Surrender of a Pendro who was arrested in S. Canara & who now at Madgini Taluk ——

2 Dy No the Dy A Ry Mr. 4 Dy 97.

Forwards copy of the above letter Dy No 2337 & requests to issue an Extradition Warrant as is usually done in such cases ——

3 Dy No 2446 97. 20-10-97

G. R. S. 58 informs that the President finds no reasons for the issue of a formal Extradition Warrant to the Asst Mgr Kadur —— No. 4463 / 9576 dy 19-10-97.

8/4 Forwards a copy of C.S.O. 1616/97 for information

Pol

No. 6807

No. 1

1897 J 415

From The District magistrate Madura

OFFICE OF THE
2576
18 SEP 1897
IN OF MY

To The Secretary to Govt General and Revenue Depts

Dated 16th

Despatched 17th September

Received 18 —

General No. 233

No.

Enclosure No. 2

Requesting to move the British Resident in Mysore to issue a formal extradition warrant for the surrender of one Pedro who was arrested in South Canara and is at present in Mudgere Lockup.

Submitted for orders.

There is no doubt a case of illegal procedure on the part of a Resident in British India. The exact selection in the Mudgere Lockup does not seem legal either.

There is sufficient evidence to justify a warrant being applied for. It is not known that the evidence of Hy H. Cox & Assistant Supt & Board Sub has not been duly recd.

C

7305

19-9-97

J 1879/97

Sub. to the Secretary

8/9/97

Chikmagalur
16th September 1897

From

The District magistrate
of Kadur

To

The Secretary to Government
General and Revenue Depto

Sir

In submitting herewith the translation and summary of evidence recorded by the Amildar magistrate of Mudgere in a case of criminal breach of trust brought by Mr Le Mouzin — against one Pedro, I have the honor to state as follows: —

2. The Police placed a charge sheet before the Amildar magistrate, who took cognizance of the complaint as one falling under Section 408 I.P.C., and accordingly issued a warrant for the arrest of the accused and directed the same to the Police for execution.

3. The Police subordinate, entrusted with the warrant for execution, pursued the accused. The Policeman

having

having learnt that the accused had gone to his native place in Mangalore, continued his course thither. There he exhibited the warrant to the British Police and got the accused arrested and produced before the Stationary Magistrate of Mangalore.

4. It was at this stage that the Stationary Magistrate of Mangalore instead of detaining the accused pending receipt of a rendition warrant from the British Resident of Mysore, ordered the offender to be taken charge of by the Mysore Police for production before the Amildar Magistrate of Mudgere of this District.

5. The accused was accordingly brought to Mudgere and produced before the Amildar Magistrate who remanded him to the Lockup and reported the circumstance for the orders of the District Magistrate

6. The Amildar Magistrate of

mudgere was thereupon ordered to record the evidence and submit the proceedings.

7 All that is now required is, the issue of a formal extradition warrant by the British Resident to the District magistrate of South Canara, within whose jurisdiction the accused was arrested, in order that he may make the usual endorsement thereon and forward the same to the Amildar magistrate of Mudgere to legalise the surrender of the accused who is already in the Mudgere Lockup.

8. I have therefore the honor to request the favor of your addressing the British Resident in the matter.

9. The original records together with the usual form of application accompany.

I have the honor to be

Sir

Your most obedt Servant

B. Ramchandra

For District magistrate

of Bradur

Mr.

Translation of Evidence recorded by the Amildar and Second Class Magistrate, Mudgere, in Calendar Case No: 10 of 1897-98

(Accused – Pedro).

Offence under Section 408 I.P. Code.

1st Witness Mr Lemoxion for prosecution on oath —

I know the accused Pedro who was a cooly in my Hoshalli Estate. I was sending currency notes with him to the Taluk Treasury for encashment. I used to delegate the business to other coolies also. On the 16th July last I enclosed currency note for Rs100/ No. $\frac{I}{88}$ 63699 Madras in a letter to the Mudgere Taluk Sheristedar and sent it on by the accused Pedro. Besides I entrusted Rs: 22/ to him to be paid as follows: –

Rs: 15 To Hospital Assistant
" 5 " Arnogam Doss
and " 2 " David Gab.

I also gave him 3 letters addressed to the above named individuals. He had to return with the cash for the currency note before evening, but he did not do so. I instructed the man and questioned the other

coolies They answered me that he was a good man and that he might return soon. He never returned that night. Since there was no sign of his coming, the next morning I sent one Authony to go to Mudgere in search of the accused. He returned with the information that the accused had neither gone to the Treasury at Mudgere nor delivered the money or letter to any of the men, viz; Hospital Assistant, Darood Sab and Arougan Dooo. I then gave information to the Police. I now learn he was arrested in Bangalore. My witnesses are — Authony, Perumal, Chintayiga and Muniia. These men may be examined During the accused's service in the Estate I have sent him about 20 times to the Treasury with currency notes for encashment. Subsequent to the 16th July I see him only now in custody in the Lock-up at Mudgere.

2nd witness Authony on oath

I know the complainant Mr Simonsen. I am a cooly in his Estate. Pedro was a fellow cooly with me. About 1½ months ago the complainant enclosed a currency

note for Rs. 100/- in a letter addressed to the Mudgere Taluk Shanistedar and entrusted it to Pedro. He also gave him 3 letters addressed to the Hospital Assistant, Armogam Doss and Darrud Sab with a sum of Rs: 22/- to be paid to them at Rs: 15, 5, and 2 respectively. He left for Mudgere with these. He had to return to the Estate by the same evening but did not do so. The next morning I proceeded to Mudgere under instructions from complainant and enquired of the Taluk Shanistedar, Armogam Doss & Darrud Sab. They replied that Pedro had never come to them I conveyed the information to complainant.

<u>3rd Witness Personal for Prosecution on oath</u>

I know the parties. I am a butler under the complainant. Pedro was a cooly in the complainant's Estate for the last one year. On the 16th of July last the complainant entrusted to him Rs: 22/- with directions to pay them to the Hospital Assistant, Armogam Doss and Darrud Sab at Rs: 15, 5 and 2/- respectively. He also gave him 3 letters

addressed to them, as also one to the Taluk Thasildar. In the last letter he enclosed a Currency note for Rs: 100/. He directed the accused to deliver the letters and money to the addressees and bring cash for the currency note. The accused did not return to the Estate on Friday evening. On Saturday the complainant sent Anthony in search of the accused who returned with no good result. The complainant then informed the Police of the matter.

14th witness Chintayiga for Prosecution duly sworn.

I know the parties. I am a coolie in the complainant's Estate. The complainant entrusted a letter to the accused addressed to the Taluk Treasury at Mudgere enclosing a currency note for Rs: 100/ which I saw. Besides this, he gave him Rs: 22 and 3 letters to be delivered to Annagam Doss, Hospital Assistant & Daoud Sab at Rs: 5, 15 & 2/ respectively. He instructed Pedro to return with cash for the notes. He went towards Mudgere but never returned.

5th witness Munia for prosecution duly sworn.

I know the parties. About a month & a half ago, the complainant handed over to the accused a letter enclosing a currency note for Rs: 100/- addressed to the Shirastedar Taluk Treasury, and a sum of Rs: 22/ with 3 letters with directions to pay the money to Hospital Assistant Rs: 15/ Arunogam Doss Rs 5/- and Daood Sab Rs: 2/ and return to the Estate early with cash for the note. The accused who went towards Mudgere never returned.

6th Witness Venkatanarnappa for Prosecution - duly sworn

On 16th July last I transacted business in the Taluk Treasury at Mudgere. Pedro a coolie of Mr Lemoxin's Estate at Hoshalli, Koolibride, has cashed no currency note in the Treasury either on the date or subsequently. Currency note bearing No: I/28 63599 Madras is not cashed in this Taluk Treasury.

"Translation"

District Magistrate
Kadur District

Application for a warrant under Act XXI of 1879 the Foreign Jurisdiction and Extradition Act

Enclosure to 8(1) 9/1a

Officer to whom the warrant should be issued.	1 District magistrate of South Canara, Mangalore.
The magistrate of the District who want to the warrant issued	2. District Magistrate of Kadur Chikmagalur.
Name and description of accused person.	3. Pedro of Mangalore
Where or under whose custody the accused person is supposed to be.	4 Now in Police custody in Mudgere, Kadur District Mysore Province.
Name of the offence committed and Section of the Indian Penal Code under which the accused is charged.	5. Criminal Breach of Trust by a servant, Section 408 I. P. C.
Officer to whom the accused should be surrendered.	6. The Amildar Magistrate of Mudgere
Place at which the accused should be delivered up.	7. Mudgere
Nationality as to whether the accused is a British subject or a subject of native State	8. British subject.

Chikmagalur
16th September 1897

B. Rama Rao
District Magistrate
of Kadur

Application for a warrant under Act XXI of 1879
the Foreign Jurisdiction and Extradition Act

Enclosure 68 (1) 1a

Officer to whom the warrant should be caused.	1 District magistrate of South Canara, Mangalore.
The magistrate of the District who want to the warrant issued	2. District Magistrate of Kadur Chikmagalur.
Name and description of accused person.	3. Pedro of Mangalore
Where or under whose custody the accused person is supposed to be.	4 Now in Police custody in Mudgere, Kadur District Mysore Province.
Name of the offence committed and Section of the Indian Penal Code under which the accused is charged.	5. Criminal Breach of Trust by a servant, Section 408 I. P. C.
Officer to whom the accused should be surrendured.	6. The Amildar Magistrate of Mudgere
Place at which the accused should be delivered up.	7. Mudgere
Nationality as to whether the accused is a British Subject or a subject of native State	8. British Subject.

Chikmagalur
16th September 1897

B. Rice Bowring
District Magistrate
of Kadur

Amt.

No 3846 / J443 dt. 22-9-17

Pol
Confdl
2

To

The First Assistant to the
Resident in Mysore

In continuation of my letters
Nos 3379(a)/J.381 and 3715(b)/J.434 dated the
13th and 20th Instant bringing
to notice certain instances of
the ~~delay~~ surrender, without a
warrant under the Extradition
Act, of persons arrested in
British Territory for offences com-
-mitted in Mysore, I am directed
to forward the accompanying
copy of letter No 233 dated
the 16th Instant from the Dist.
Magistrate of Kadur from
which it will be seen that
one Pedro who is accused
of having committed the offence
of Criminal breach of trust
under Section 408 I.P. Code
in Mysore Territory and was
arrested by the British Police
at Mangalore, was ordered

(a) in Part A
(b) S No. 3 in Part B.

by the Stationary Magistrate of Manpalcoe to be proceed over to the charge of the Mysore Police, without an extradition warrant, for production before the Amildar Magt of Mudgere and that the accused was accordingly brought to Mudgere and has been remanded to custody.

In this case also the warrant of the Resident in Mysore under the Extradition Act is required to legalise the surrender of the accused and I am to request that you will be so good as to move the Resident to issue the warrant ~~to enable the Amildar Magistrate of Mudgere to proceed with~~ so that the trial of the accused may be proceeded with by a Magistrate of the Kadur Dt. The Durbar hopes to ~~authorise~~ direct the Dt Magt of Kadur to commence the trial on the receipt of intimation from you of the issue of warrant.

As the Resident has no objection

An application in the

appeal form is herewith
submitted together with
copies of depositions of witnesses
recorded from the District
Magistrate

I have the
honour to be
Sir
Your most obedient
Secretary

20/9/97

20/9/97

6.79 7523 Comp. No. 5 & 1 file
Pol 400. (3)

FROM

SECTION Pol THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

FILE NO. 684-97.

To

SERIAL NO. 3

The Dewan of Mysore.

Dated Bangalore, Mysore 10th October 1897.

SIR,

I am directed to acknowledge the receipt of your letter No. 3846 J.443 dated the 22nd ultimo, applying for an extradition warrant to legalize the surrender of one Pedro who has been accused of having Committed Criminal breach of trust under Section 408, Indian Penal Code, in Mysore territory.

2. In reply I am to say that in the opinion of the Resident nothing will be gained by the issue of a warrant now. As the accused is not in South Canara, a warrant issued to the

Magistrate of that District would be
meaningless formality; man could
assuming that the surrender or
ansfer of the accused was either irregular
illegal, now legalize that proceeding.

I am to add that there does not
pear to be any reason why the
istrict Magistrate of Kaduna should
t release the accused having —
viously issued a warrant under
hich he could be at once arrested. *

The records of the case received
ith the letter under acknowledgment
e herewith returned.

I have the honour to be

Sir,

Your most obedient Servant,

K. D. Erskine Captain,

First Assistant Resident

9/12/17

* [illegible]

Police

SI;

FILE No. 680-97

SERIAL No. 4

Here enter letter dated 10th instant from the First Assistant to the Resident in Mysore.

— (4)

No 6463 & 19.10.97
526
One file

The foregoing copy is forwarded ~~information~~ to the Dt Magte of Kadur ~~for information~~ with reference to his letter No 233 dated the 16th instno, with the observation that the course suggested in para 3 may be followed.

2. The records ~~carried thereto~~ of the case are herewith ~~and~~ returned.

B. O

Seen
14/10

Sent to 1st Cl
14-10-97

appl. -

14/10/97

14/10/97

{After upon return to Devaraya with reference.

Seen
13/12/97

Sr
14/10/97

File
17-12-97

Issue of Memo to Asst to Resident